

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

CAROLYN WIDO, Individually and as personal representative of the Estate of TISA SMITHEY, and as guardian and Next Friend of NICHOLAS TUGDAY, a Minor, and DUANE SMITHEY, as Guardian and Next Friend of KYLE SMITHEY, a Minor,

Plaintiff,

-against-

THE ABBOTT LABORATORIES, BURROUGHS-WELLCOME & CO., INC., n/k/a Glaxo Wellcome, Inc., CARNICK LABORATORIES, INC., DART INDUSTRIES INC., p/k/a Rexall Drug Company, Inc., ELI LILLY AND COMPANY, KREMERS-URBAN CO., n/k/a Mequon Company, LANNETT CO., INC., McNEILAB, INC. n/k/a Ortho-McNeil Pharmaceutical, MALLINCKRODT INC., S.E. MASSENGILL, n/k/a SmithKline Beecham Corp., MERCK & CO., INC., MERRELL DOW PHARMACEUTICALS, INC., PREMO PHARMACEUTICAL LABORATORIES, INC., p/k/a Lemmon Co. of N.J., Inc., RHONE-POULENC RORER PHARMACEUTICALS, INC., p/k/a William H. Rorer, Inc., ROWELL LABORATORIES, INC., n/k/a Solvay Pharmaceuticals, E.R. SQUIBB & SONS, INC., and THE UPJOHN COMPANY.

Defendants.

X

Case Number 07 CV 3430

BROOKLYN OFFICE

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ AUG 31 2010 ★

**STIPULATION OF  
DISMISSAL  
WITH PREJUDICE AS TO  
PHARMACIA & UPJOHN  
COMPANY LLC**

X

**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, the attorneys of record for plaintiff Carolyn Wido, as Executrix of the Estate of Tisa Smithey and Defendant **Pharmacia & Upjohn Company LLC f/k/a The Upjohn Company** in the above-entitled action, that whereas no party hereto is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the

subject matter of this action, the above-entitled action be, and the same hereby is, discontinued with prejudice as against **Pharmacia & Upjohn Company LLC f/k/a The Upjohn Company** and without costs to either party hereto as against the other.

This stipulation may be filed without further notice with the Clerk of the Court.

Dated: New York, New York  
February , 2010

OFFICE OF SYBIL SHAINWALD, ESQ.

By: Sybil Shainwald  
Sybil Shainwald  
Attorney for Plaintiff  
Estate of Tisha Smithey

DRINKER BIDDLE & REATH LLP

By: Heidi E. Hilgendorff  
Heidi E. Hilgendorff  
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Pharmacia & Upjohn Company LLC  
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New York, New York 10005  
(212) 248-3140

SO ORDERED this 8/23 day of

AUG, 2010

Honorable Eric N. Vitaliano

FPOI/ 6174083.1